

**DECISION**

**THE COMPTROLLER GENERAL  
OF THE UNITED STATES**  
WASHINGTON, D.C. 20548

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P.L.T.  
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**FILE:** B-215575

**DATE:** November 8, 1984

**MATTER OF:** Tri-Com, Inc.

**DIGEST:**

Agency's specifications for an analog system for telemetry equipment are not unduly restrictive of competition where the agency presents a reasonable explanation why the restrictions are necessary to meet its minimum needs, and the protester fails to address the explanation or show that the restrictions are unreasonable.

Tri-Com, Inc. (Tri-Com), protests that certain minimum salient characteristics required under invitation for bids (IFB) No. F04703-84-B-0105, issued by the Department of the Air Force unduly restrict competition. Tri-Com asserts that the salient characteristics for an analog system to support telemetry data validation equipment express as mandatory requirements design features unique to a competitor's equipment. Tri-Com states that while it believes its equipment meets or exceeds the Air Force's actual performance requirements, Tri-Com is concerned that its bid will be rejected as nonresponsive because the specifications call for the brand name's design characteristics rather than overall performance requirements. Tri-Com advises that it has discussed its concerns regarding the restrictive nature of the specifications with the Air Force, and acknowledges that the Air Force has amended the IFB several times. However, Tri-Com believes the revised specifications remain unduly restrictive of competition and, are not reasonably related to the government's minimum requirements.

We deny the protest.

Under the general description of "Data generation system with autosect," (DGSWA), Tri-Com objects to the requirement for front-panel controls with zero adjust, gain adjust, and output level adjust, and front panel indicators and test points with an autosect meter, limit indicator, and input and output test points. Under the heading, "Data acquisition subsystem with autosect," (DASWA) Tri-Com protests the requirement for a front-panel meter with operating mode, autosect zero mode, and autosect span mode.

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Where, as here, a protester challenges specifications as being unduly restrictive of competition, the procuring agency bears the burden of presenting prima facie support for its position that the restrictions are necessary to meet its actual minimum needs. Deere & Company, B-212203, Oct. 12, 1983, 83-2 C.P.D. ¶ 456. If such support is submitted, the burden then shifts to the protester to show that the specifications in dispute are clearly unreasonable. Id. The contracting agency's initial burden reflects its statutory obligation to create specifications that permit such free and full competition as is consistent with the agency's actual needs, 10 U.S.C. § 2305 (1982), while the protester's burden of proof stems from the fact that the determination of the government's minimum needs and the best method of accommodating those needs are primarily matters of the contracting agency's discretion. See Bataco Industries, Inc., B-212847, Feb. 13, 1984, 84-1 C.P.D. ¶ 179.

In this regard, specifications based upon a particular product are not improper in and of themselves, and a protest that a specification was "written around" design features of a competitor's product fails to provide a valid basis for protest where the agency establishes that the specification is reasonably related to its minimum needs. Amray, Inc., B-208308, Jan. 17, 1983, 83-1 C.P.D. ¶ 43. In the same vein, a specification is not improper merely because a potential bidder cannot meet its requirements. Tooling Technology, Inc., B-215079, Aug. 6, 1984, 84-2 C.P.D. ¶ 155; Deere & Company, supra.

The Air Force has offered explanations for the specifications at issue. The Agency initially points out that the analog system will be a component in a unique Western Test Range Telemetry Data Validation System (TDVS) which will not operate on the same basis as industry-standard telemetering systems. The Air Force states that its system requires far more precise calibration than range telemetering ground systems currently being tested. According to the Air Force, the TDVS must have the capability to ensure that these ground stations are ready to support missile and space vehicle launches of the highest national priority such as the MX, Titan and the space shuttle. Thus, it considers the requirements at issue as "fail-safe" features in a large and complex system.

Concerning the need for front-panel controls for the DGSWA, the Air Force states that these manual controls permit an operator to perform delicate and accurate

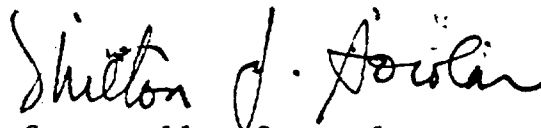
calibrations, and the Air Force states, that, prior to every operation all equipment is to be manually adjusted and the automatic calibration feature is required for a quick-check on equipment readiness immediately before the operation is to begin.

The Air Force states that the requirement for front-panel indicators and test points including an autoset meter, limit indicator and input/output test points will permit the Air Force to verify that output calibration has been performed, a task considered critical to the proper function of the TDVS. The Air Force further asserts that the meter assists in troubleshooting the system, aids in locating system component part failures and analyzing operational failure. Finally, the Air Force explains that the requirement that the front meter panel meter on the DGSWA contain the operating mode, autoset zero mode and autoset span mode is needed to provide the capability for an operator to verify the subsystems automatic capabilities, and provides an additional visual means to confirm certain system output. Finally, the Air Force provides the same type of justifications for the DASWA meter as stated for the DGSWA meter.

The protester has not responded to the Air Force's stated justifications. In its protest Tri-Com essentially states that its product performs the same functions requested but in a different way. Thus, for example, Tri-Com's product does not use manual calibration since its model provides fully automatic calibrations. Nevertheless, Tri-Com does not rebut the Air Force's explanation that manual calibrations permit more delicate and accurate adjustments, and that because of the importance of the work to be performed, that it seeks the additional safeguard provided by both manual and automatic calibration capability.

Tri-Com has not rebutted the Air Force's prima facie rationale for the challenged requirements. The protester therefore has failed to meet its burden of showing that the Army's justification for the specification is unreasonable.

The protest is denied.

for   
Comptroller General  
of the United States